

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASTRAZENECA PHARMACEUTICALS LP,
IPR PHARMACEUTICALS, INC.,
ASTRAZENECA AB, AND THE BRIGHAM
AND WOMEN'S HOSPITAL, INC.,

Plaintiffs,

v.

SANDOZ INC.,

Defendant.

ORDER

Civil No. 10-344 (RBK/KW)

THIS MATTER having come before the Court pursuant to the Court's December 14, 2010 Order directing Plaintiffs to show cause why, based on the Court's December 15, 2010 Opinion, the Court should not dismiss this matter for lack of subject-matter jurisdiction:

IT APPEARING TO THE COURT that various parties have appealed the Court's December 15, 2010 Opinion to the United States Court of Appeals for the Federal Circuit; and

IT FURTHER APPEARING TO THE COURT that, on January 12, 2011, all parties in this matter submitted a joint response to the Court's December 14, 2010 Order, requesting that "the Court stay the present action against Sandoz (including the Court's Order for Plaintiffs' showing of cause respecting Sandoz), until after the Federal Circuit renders its decision," or, "alternatively, if the Court prefers, Plaintiffs and Sandoz jointly request that the Court dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(a)(2);" and

IT FURTHER APPEARING TO THE COURT that Federal Rule of Civil Procedure 41(a)(2) provides that “an action may be dismissed at the plaintiff’s request only by court order, on terms the court considers proper;”

IT IS HEREBY ORDERED that, in view of the parties’ joint request, Plaintiffs’ Complaint is dismissed without prejudice.

Dated: 05/17/2011

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge